



Community Development

"Dedicated to Excellence in Public Service"

Adrian P. Freund, FAICP, Community Development Director
Nathan Edwards, Legal Counsel



Washoe County Planning Commission

Dian A. VanderWell, Chair
Neal Cobb, Vice Chair
William Weber

Roger M. Edwards
Roy H. Hibdon
Vaughn Hartung
D.J. Whittemore

WASHOE COUNTY PLANNING COMMISSION MINUTES

March 11, 2010

The Washoe County Planning Commission met in regular session on Thursday March 11, 2010, in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

DETERMINATION OF QUORUM

Acting Chair Cobb called the meeting to order at 6:30 p.m. The following Commissioners and staff were present:

Commissioners present: Neal Cobb, Vice Chair
Roger M. Edwards
Roy Hibdon
William Weber
Vaughn Hartung
D.J. Whittemore

Commissioners absent: Dian A. VanderWell, Chair

Staff present: Adrian Freund, Director, Community Development
Roger Pelham, Senior Planner, Community Development
Nathan Edwards, Deputy District Attorney
Sara DeLozier, Office Support Specialist, Community Development
Dawn Spinola, Recording Secretary, Community Development

PLEDGE OF ALLEGIANCE

Commissioner Edwards led the pledge to the flag.

APPROVAL OF AGENDA

In accordance with the Open Meeting Law, Commissioner Hartung moved to approve the agenda for the March 11, 2010, meeting. Commissioner Weber seconded the motion, which passed unanimously.

APPEAL LANGUAGE

Mr. Freund recited the appeal procedure for items heard before the Planning Commission.

APPROVAL OF MINUTES

Commissioner Hibdon moved to approve the minutes for the February 3, 2010 Planning Commission meeting as written. Commissioner Hartung seconded the motion which carried unanimously

PUBLIC COMMENTS

Acting Chair Cobb recited the public comment limitations for items heard before the Planning Commission.

As there was no answer to the call for public comment, Acting Chair Cobb closed the public comment period.

CONSENT ITEMS

VARIANCE CASE NUMBER VA05-006 (AIR SAILING) UPDATE AND REVIEW - To review and make a determination whether the reduction in development standards as approved by the variance remains appropriate. Condition 4 of the original approval required the applicant to return to the Planning Commission for this review prior to April of 2010.

Mr. Pelham summarized the request, noting there had been no complaints and the reduction in standards remains appropriate.

As there was no answer to the call for public comment, Acting Chair Cobb closed the public hearing.

Commissioner Hibdon moved to approve Consent Item A for Case Number VA05-006. The motion was seconded by Commissioner Hartung and passed unanimously.

PLANNING ITEMS

AGENDA ITEM 1

PUBLIC HEARING: DEVELOPMENT CODE AMENDMENT CASE NUMBER DCA08-009 - To amend Washoe County Code Chapter 110, Development Code, Article 302, Allowed Uses, Article 304, Use Classification System, and Article 326, Wind Machines. The amendments will include the revision to the table of allowed uses to include the addition of new renewable energy use types and the amendments to the standards for wind machines. The proposed amendments would revise all aspects of Article 326 (Wind Machines) including but not limited to setbacks, noise, electromagnetic interference, wildlife impacts, meteorological towers, repair and removal of wind machines and submittal requirements for commercial wind machines.

Acting Chair Cobb opened the public hearing.

Mr. Pelham, on behalf of Mr. Lloyd, requested a continuance for the purpose of engaging in further conversation with members of the public regarding the proposed changes.

Mr. Freund noted staff was working to achieve greater consensus on the proposed code between representatives of the wind energy industry and concerned citizens. He stated it would be coming back to the Planning Commission but at this point there was no date certain.

As there was no answer to the call for public comment, Acting Chair Cobb closed the public hearing.

Commissioner Edwards moved to continue Development Code Amendment Case No. DCA08-009 to a date uncertain. The motion was seconded by Commissioner Hartung and passed unanimously.

AGENDA ITEM 2

REVIEW OF AND COMMENT ON THE WASHOE COUNTY 2009 REGIONAL PLAN ANNUAL REPORT and possible direction to staff to forward the report to the Truckee Meadows Regional Planning Agency on behalf of the Washoe County Planning Commission.

Acting Chair Cobb opened the public hearing.

Ms. DeLozier reviewed the staff report dated February 22, 2010.

Mr. Freund pointed out it had been a very successful year, particularly in light of reduced staffing and budget cuts. He noted in particular the accomplishments in Housing Assistance, noting Northern Nevada had received over \$20 million in assistance for neighborhood stabilization. He also noted the department's activity in assisting homeowners affected by foreclosure.

Mr. Freund also reiterated the completion of the updating of many of the area plans and elements of the Comprehensive Plan. He credited the Planning Commission and the staff for making unprecedented progress in these areas.

As there was no answer to the call for public comment, Acting Chair Cobb closed the public hearing.

Commissioner Hibdon to authorize staff to submit the 2009 Washoe County Regional Plan Annual Report to the Regional Planning Commission on behalf of the Washoe County Planning Commission. The motion was seconded by Commissioner Hartung and passed unanimously.

PROJECT REVIEW ITEMS:

AGENDA ITEM 3

PUBLIC HEARING: SPECIAL USE PERMIT CASE NO. SW09-003 (RUBY PIPELINE) – To develop a high-pressure natural gas pipeline, 42 inches in diameter (Major Services and Utilities: Utilities Services Use Type) as authorized in Table 110.302.05.2 of the Washoe County Development Code. This is a Project of Regional Significance (PRS) per NRS 278.026(6)(e).

The project is proposed to be located in the northern portion of Washoe County, generally east and northeast of the historic Vya townsite as well as generally south and west of the Sheldon National Wildlife Refuge and is proposed to traverse approximately 56 miles of Washoe County. The project is proposed to traverse approximately 20 individual parcels, the total area of disturbance is approximately 555 acres, with the width of disturbance along the proposed pipeline route ranging from 115 feet to 195 feet. All subject parcels are designated General Rural (GR) in the High Desert Area Plan, and is situated in portions of Sections 2, 3, 4, 5, 6, 10, 11 & 12 T42N R23E; Sections 1, 2, 3, 4, 5 & 6, T42N R22E; Sections 1, 2, 3, & 4 T42N R21E; Sections 31, 32 & 33 T43N R21E; Sections 35 & 36 T 43N R20E; Sections 2, 3, & 4 T42N R20E; Section 7, 18, 19, 20, 28, 29, & 33 T43N R20E; Sections 12 & 1 T43N R19E; Sections 3, 10, 14, 15, 23, 26, 35, & 36 T44N R19E; Sections 5, 6, 8, 17, 16, 21, 28, 33, & 34 T45N R19E; Sections 30 & 31 T46N R19E; Sections 2, 11, 12, 13, 24 & 25, T46N R18E; Sections 15, 22, 27, 26, & 35 T47N R18E, MDM, Washoe County, Nevada. The property is located in the Gerlach/Empire Citizen Advisory Board boundary and Washoe County Commission District No. 5. (APNs 061-020-63, 061-030-01, 02, 23, 29, 061-050-49, 061-060-65, 061-200-08, 09, 061-230-29, 061-090-13, 15, 36, 061-130-01, 04, 27, 34, 38, 39 & 061-171-16)

Acting Chair Cobb opened the public hearing and requested disclaimers from the Commissioners. Commissioners Edwards and Whittemore had received phone calls from the developer. Commissioners Hartung, Weber and Cobb had each met with the developer on separate occasions. Commissioner Hibdon had nothing to disclose.

Mr. Pelham reviewed the staff report dated February 19, 2010. He noted changes and an addition to conditions and read them into the record (text as follows):

1c: The applicant shall submit complete construction plans and apply for building permits within two (2) years from the date of approval of the pipeline project by the Federal Energy Regulatory Commission (FERC). The applicant shall complete construction within the time specified by the building permit. Compliance with this condition shall be determined by the Department of Community Development.

1i: Prior to approval of any building or grading permits the applicant shall provide proof, acceptable to the Director of Community Development, that right-of-way agreements are in effect between the applicant and all owners of property through which building permits are sought. No building permits shall be issued within 2.5 miles of any parcel of land proposed to be crossed by the pipeline that does NOT have a right-of way agreement in place.

Additional Condition:

If this SUP is approved it will be forwarded by staff to the local emergency planning committee (LEPC) chairman so it can be discussed by the LEPC for consultation purposes at its next general membership meeting, which should be in April.

Mr. Freund explained the meeting was off-cycle because of a special provision in the code relating to longer noticing times for projects that will be using hazardous materials. He pointed this out so that the audience would know that type of project also required review by the Board of County Commissioners

Commissioner Edwards asked Mr. Pelham if he had received a response from the Bureau of Indian Affairs regarding the case. Mr. Pelham explained it is common for agencies

not to reply after they have been received the application for review. If they do not comment it is assumed they do not object to the project.

Commissioner Whittemore stated it would be more effective to note a minimum percentage of employees to be pulled from the local labor pool rather than using the term "...up to 50%..." Mr. Pelham replied that was the information provided and he preferred to let the applicant explain.

Applicant Loren Locher presented an overview of the project and images of the specific proposed route across Washoe County. Mr. Locher explained the project in combination with the existing Tuscarora Gas pipeline that reaches down from Melin, Oregon should provide the Reno area less expensive gas. He pointed out El Paso does not own the natural gas, they are merely the transportation.

Mr. Locher went on to say that the company is doing everything in its power to make the project be the first to be greenhouse gas neutral. He went on to address Commissioner Whittemore's concern regarding 50% use of local labor. He stated that building a natural gas pipeline required very special certifications and contractors that have done it and are well-renowned and known in the industry. To that end, they selected their contractors through a bid process and they have elected to use union labor. The agreements reached will allow the contractors to bring in 50% of the work force from out of state, most of that due to the required certifications. The remaining 50% will be drawn from local union shops. Each section will employ between 600-800 workers at any given time, or approximately 3,500 for the state of Nevada. He stated estimated ad valorem taxes to the county to be approximately \$2.5 million, and \$45 million in sales taxes to the state.

Mr. Locher exhibited photographs of other projects, pointing out the land was revegetated and recontoured to approximate its prior undisturbed state.

Applicant Dan Gredvig pointed out letters submitted indicate the landowners, including BLM, did not want trees replanted. When the company does the revegetation of the right-of-way they intend to use a grass mixture that will create a better environment for pasture and livestock. It is not uncommon for the landowners to cut down trees to improve habitat. Conservation measures will be implemented and enhanced by the use of the high-quality habitat.

Mr. Gredvig submitted proposed language for changes to two conditions and read them into the record. They are as follows:

Condition 1g: The applicant shall conduct a study to determine the number of trees that will be removed from the pipeline right of way within Washoe County. The applicant shall meet with Washoe County Regional Parks and Open Space Department and shall enter into an agreement to plant and install irrigation to 100 trees, to benefit the residents of Washoe County, within park district 2B. The trees, irrigation and installation shall meet the minimum standards for commercial and civic landscaping as defined in Article 412 of the Washoe County Development Code and Washoe County Green Book standards. Planting and irrigation plans shall be prepared by a landscape architect. Compliance with this condition shall be determined by the Department of Community Development and the Department of Regional Parks and Open Space, prior to the approval of any building of grading permits for the pipeline project.

Condition 5b: The use of hay/straw bales (bales) as temporary erosion control devices will be acceptable to the Washoe County District Health Department with the following requirements: The applicant may, at its discretion, add two additional strands of wire of twine placed the length of the bale. The Applicant, through the BLM (Bureau of Land Management)/FERC third party environmental inspection contractor, shall provide two photos of each site sent to jshaffer@washoecounty.us after the bales are removed from each site. The applicant shall send the photos no later than two days after completion of the removal of bales. Site visits will occur during the construction of the pipeline to inspect the condition of the bales. The use of mulch will not be allowed for any re-vegetation on the ROW within Washoe County. The Project related grading bond will not be released until bale site cleanup has been confirmed.

John Hadder, representing Great Basin Resource Watch spoke against the project, primarily citing the project preparation and Environmental Impact Statement (EIS) were incomplete. He also expressed concern that the pipeline would traverse sage grouse habitat and protected cultural resource areas. He pointed out existing corridors were available for the project.

Tina Nappe, representing the Toiyabe Chapter of the Sierra Club, also spoke against the project. She stated the organization supports the concept and the use of natural gas but opposed the pipeline route. She indicated it would be difficult for agencies to enforce restoration and mitigate unsatisfactory conditions. (Comments attached to minutes as an exhibit)

Charlie Reed spoke on behalf of Fort Bidwell Business Council, reading a resolution stating the Fort Bidwell Indian Community Council opposed the current route and requested the line use the Sheldon Route. Michon Eben read into the record a letter from the Fort Bidwell Paiute Reservation and presented maps depicting the proposed route and a proposed alternative. (Attached to minutes as exhibits) Orville Barlise, a Tribal Elder, explained the proposed route may disturb traditional burial grounds.

Michon Eben spoke on behalf of the Reno-Sparks Indian Colony, who also opposes the proposed route, primarily citing the effect on cultural and scenic resources. She indicated documented plans regarding preservation of cultural resources had not yet been created or reviewed with Native American tribes as required.

Ms. Eben read a letter into the record she had received from Rebecca Palmer, the review and compliance officer of the State Historic Preservation Office (SHPO). The text is as follows: "We have not received any formal requests from the lead federal agency Federal Energy Regulatory Commission (FERC) to review their determinations of the following of the areas of potential effect, the adequacy of the inventory to register eligibility resources and the effect of the undertaking on historic properties. Our state historic preservation office has not reviewed cultural resource reports."

Individuals Marge Sill, Darlene Gardipe, Buck Sampson and Brian Melendez echoed the concerns of the effect on cultural and scenic resources and the rights of Native Americans. Ms. Gardipe read a Reno Sparks Tribal Council resolution which indicated the Final EIS was incomplete, having not allowed the Native American tribes to participate and review the documentation which would guide the process governing cultural resources. (Attached to

minutes as an exhibit) Mr. Sampson indicated Native Americans rights had been violated during the initial review of the territory.

Acting Chair Cobb closed the public hearing.

Commissioner Hibdon asked Mr. Pelham how many corridors were reviewed by Ruby Pipeline. Mr. Pelham deferred the question to the applicant and noted the special use permit presented to the Community Development Department and the Commission was for a pipeline in that particular location. He pointed out the application was not for a generalized pipeline that might be placed somewhere else if there were another preference. He acknowledged there are federal reviews and processes that needed to be undertaken.

Commissioner Hibdon asked the applicants how many corridors they had reviewed and if their decision was based primarily on economics. Mr. Gredvig explained many factors had been reviewed along different routes including resource data, resource protection and wilderness study areas. The Draft EIS (DEIS) and Final EIS (FEIS) proposed 3 primary alternatives in area. The first was the Black Rock passing near Winnemucca tying into Vya, the second was the Sheldon route following the Highway 140 corridor and the third was the alignment as proposed in the FEIS. The information was provided to FERC, which is the lead federal agency and certificating authority for the pipeline and the project. FERC reviewed the information and decided that the route as shown in the FEIS could be authorized. Although it has environmental impacts, FERC determined those impacts are mitigatable.

Commissioner Hibdon repeated his question about whether or not their decision was based primarily on economics. Mr. Gredvig stated it was based on the resource data that was provided and pointed out if the pipeline was lengthened then the impacts are increased. Commissioner Hibdon asked if any of the proposed alternatives had been within existing corridors. Mr. Gredvig replied that, to the best of their ability they were following as many corridors as they could. He noted that approximately 65% - 70% of the route was paralleling some type of existing road, utility or other previous disturbance.

Commissioner Edwards asked if FERC had chosen the route. Mr. Gredvig stated FERC has the authority to certificate the route. Ruby's route has been studied in the DEIS and FEIS and the certification will come after FERC determines which route is the most appropriate. Mr. Locher stated they chose their route based on minimum impact and maximum utilization of existing corridors. He pointed out the I-80 corridor does not follow the route to where the end of the pipeline needs to be.

Commissioner Whittemore asked how much of the pipeline was already built and the applicants replied that none of it was. They did not have the required certificates. Commissioner Whittemore then asked how many counties would be traversed and how many of those had already permitted the project. Mr. Locher replied it would cross 11 counties and Washoe County was one of the two yet to approve the aspects of the project as required by local law.

Commissioner Whittemore asked why the issue of crossing sensitive Native American lands had not yet been addressed in the County before it came to the Board or if it was addressed. Mr. Gredvig replied that since November of 2007 Ruby has held open houses, inviting the directly-affected Native American community leaders and anyone that could be identified along any route who might be affected. FERC and BLM held scoping meetings to

identify affected individuals and groups. They had the comment periods that went into the DEIS and FEIS. Mr. Gredvig pointed out that FERC is the granting and regulatory agency with authority to govern all of the cultural processes. Ruby is following their process as directed and providing the information FERC requires.

Commissioner Hartung noted the highly contentious Tuscarora Pipeline that had come through Spanish Springs was now difficult for him to even locate due to the revegetation. He was not convinced that all of the areas disturbed by Ruby would enjoy the same fate but was willing to see past that. He asked if there were an archaeologist on staff, what plan exists and what plans would be implemented if cultural resources were located. He asked if the pipeline would be redirected in that event.

Mr. Gredvig replied there was not a staff archaeologist but contractors hired for this purpose that are qualified archaeological specialists permitted through the BLM to do cultural surveys. The cultural inventory is put into a report which is reviewed by the BLM staff archaeologist. Eligible site information has been provided to the FERC lead archaeologist, who will review them and craft a Memorandum of Agreement (MOA), which is sent to BLM, Ruby and the SHPOs. The MOA details the process and procedure for mitigation and handling of identified cultural sites. The MOAs are in process of being crafted by FERC or have started to be sent out. The process has to happen before they receive any authorization to build.

Mr. Gredvig went on to explain they had an unanticipated discovery plan that has been reviewed by the BLM archaeologist and will continue to be reviewed by FERC. Once the project is certified and authorized, that plan will go into effect. Unanticipated discoveries will be handled through mitigation or avoidance, depending on the situation. Answering a question from Commissioner Hartung, Mr. Gredvig replied they would not necessarily avoid the area. That would depend on what is found, how it is found and how it needs to be treated. Once an unanticipated cultural property is identified there is a set of procedures to be followed including a consultation process with the affected Native Americans, the BLM and the SHPOs. From there a plan is developed which may involve avoidance or mitigation, including excavating, clearing and collecting artifacts and determining what needs to be done with the artifacts. Religious and sacred items would automatically be returned to the tribal members. Artifacts on private lands require involving the landowner's consent. BLM has a curation procedure to handle any artifacts that are found.

Commissioner Weber asked Mr. Freund if there were policies in place for artifacts. He noted a boilerplate condition he had seen in other staff reports that stated that if and when burial grounds or artifacts are found, the applicant must comply with certain county regulations. Mr. Freund stated he would allow Mr. Pelham to elaborate but what he was hearing was that those issues are largely matters of state and federal jurisdiction, as is the pipeline alignment. He went on to state the county would always be interested in the artifacts issue, because when we become aware of those the county would always notify the appropriate authorities.

Mr. Pelham stated the county had a standard condition of approval that requires there be a statement on every set of plans that if there are any unanticipated discoveries, SHPO is notified, work ceases and SHPO has a designated amount of time to inspect and determine an appropriate course of action.

Commissioner Weber asked if Ruby had been granted approval from jurisdictions and affected Native American tribes from Utah to Washoe County. Mr. Gredvig replied they did not

cross any tribal reservations. He acknowledged they are crossing ancestral areas. All the lands being crossed are either owned or managed by BLM, private landowners, Forest Service lands and Bureau of Reclamation. Commissioner Weber asked if all of the local jurisdictions across the state had approved the project. Mr. Gredvig reiterated all counties did not require the same types of permits because the requests varied. He noted some of the permits were still undergoing the review process, but the linear facility was approved across all counties.

Commissioner Weber asked if Washoe County would have a compression or pump station and Mr. Gredvig required it would not. Commissioner Weber asked the applicant to review their revegetation plan. Mr. Gredvig explained they had gathered information from private landowners and Native Americans to determine their preferred seed mixes. Ruby worked with Natural Resources Conservation Service (NRCS), BLM and outside consultants to develop a revegetation plan that would help to get the right of way restored as quickly as possible.

Commissioner Whittemore asked for an explanation of the significance and size of any additional grading that would be required. Mr. Pelham replied that, during the time the staff report was being written, the applicant was applying for other permits, particularly air quality. It came to light through the air quality permit process that other areas of the county will be used for other supporting processes, such as water truck fill stations and a gravel pit. Community Development will require another special use permit to authorize those uses. Mr. Pelham pointed out that case would be heard before the Board of Adjustment.

Commissioner Whittemore asked Mr. Pelham if he felt the project was being rushed or if there was information that is yet to come forward or could come forward in the future that would affect the decision of the board. Mr. Pelham replied if information comes forward, particularly in terms of a realignment or change or something that is substantively different from what is being considered, permits will not be issued until an amendment has been processed and brought back before the Planning Commission.

Mr. Freund pointed out staff report Exhibit A, Conditions of Approval, which contains the standard condition regarding the remains and artifacts. It refers to the unanticipated discovery plan and notification of SHPO and the Department of Libraries, Museums and Arts. Mr. Freund emphasized that although the county did not have jurisdiction over the alignment, should there be a change in alignment as a result of the remainder of the federal process, the county would fully expect the case would come back as a potential amendment of conditions if it materially affects the conditions placed on the project. He quoted the language of the noted condition for the benefit of the Commissioners and the audience.

Commissioner Hartung asked if dust suppression would be achieved through use of water only or also surfactants. Mr. Gredvig replied water would be primary and magnesium chloride would be used in some instances. Commissioner Hartung then asked if they had secured all water rights required and Mr. Gredvig answered they were working to complete that. Commissioner asked if by hydrostatic testing they meant to fill the entire pipeline from beginning to end with water and Mr. Gredvig replied they would acquire enough rights to be able to do that but it would be tested by cascading through sections. The water would be returned to the same hydrologic basin it came from, it would not be transported from the area.

Mr. Freund asked what actions were to be taken in case of a leak discovered when the pipeline was in operation. Mr. Locher noted for reference that the final easement is only 50 feet wide. He explained each segment is pressure tested at the mill. Every seam and joint will be

welded and inspected either through x-ray or ultrasonic techniques per company standards. The next step is to pressure test the segment with water. Before it goes into service, they run internal mechanical inspection devices which measure the wall thickness, the geometry and the exact location of the pipe. That data is recorded as a baseline. Per regulation the same tests will be run every seven years, during which time technology is expected to improve even more, to detect any changes or anomalies.

Mr. Locher went on to explain that the line is electronically monitored at all times. There are block valves established by regulation and engineering needs and requirements along the length of the pipeline that have the ability to shut down automatically in the unlikely event of a pressure increase or loss. They will shut down and isolate that segment of pipe until crews can arrive to perform repair.

Mr. Locher stated they will hold annual meetings with owners along the right of way. He also stated the project would be in existence for as long as there was gas to be drawn from the Rockies to serve the West Coast. They will be working with emergency responder groups to help them understand what Ruby's needs are and to understand their needs. He shared that El Paso, the parent company of Ruby, LLC, is the largest transporter of natural gas in the United States and has been in business for 80 years.

Mr. Freund asked what was the minimum depth the pipeline is to be buried. Mr. Locher replied it was three feet from the top of the pipe to the top of the soil layer. Acting Chair Cobb asked how deep it would be and Mr. Locher replied the trench was 12 feet deep.

Acting Chair Cobb opined there was nothing the Commission could do to help out the Native Americans, that was federal and state jurisdiction. He indicated he would like to see Ron James included in any negotiations.

Commissioner Edwards stated he too is a neighbor of the Tuscarora Gas Line and had been concerned but the reclamation has been great. He noted the staff report clearly conditioned that any cultural resources must be handled in a manner dictated by the appropriate state or federal body. He also noted that at least four tribe-related agencies had been offered the opportunity to comment and had not done so. Based upon the amount of time that had elapsed since the progress began, he would have thought any issues would have been resolved by the time the case came before the Commission. He opined an alternative route would potentially have more impacts and indicated he was ready to vote in favor.

Commissioner Hibdon stated: "I have been a resident of Nevada since 1959. Did Marge leave? I think she left. So I understand what she's saying. I too, as a young guy just moving to Nevada, went all over the state and saw all the rural areas. I am truly a native Nevadan, a transplant. But I love Nevada.

So I'd like to make a motion. I move that after considering the information contained within the staff report and the information received during the public hearing, the Washoe County Planning Commission approve Special Use Permit Case Number SW09-003 for Ruby Pipeline, having made all five findings in accordance with Washoe County Development Code Section 110.810.30 and the two additional findings required by the High Desert Area Plan and the other conditions recommended by our staff planner."

The motion was seconded by Commissioner Weber and passed unanimously.

The motion was based on the following findings:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Comprehensive Plan and the High Desert Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for a high-pressure natural gas pipeline, and for the intensity of such a development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation;
6. No Significant Degradation of Air Quality. That no significant degradation of air quality will occur as a result of the permit; and
7. Community Character Conserved. Community character as described in the High Desert Area Plan Character Statement can be adequately conserved through mitigation of any identified potential negative impacts.

Acting Commissioner Cobb noted the case would be heard by the BCC so there was still time to pursue further action. Mr. Freund announced the date for the BCC hearing would be put on our website as soon as the date was determined.

OTHER ITEMS

None

CHAIR AND COMMISSION ITEMS

Commissioner Weber reiterated his request that items of consideration not be presented to the Board at the last minute. He acknowledged that some of the items presented were from the applicant and some from the public and thus were unavoidable. But he noted that some were from staff and appeared to have been received prior to the meeting. He expressed discomfort at reading when someone is presenting or speaking. Even if it was a few hours in advance it was helpful.

Mr. Freund explained the situation with Ruby was very fluid, one of the conditions had only been finalized that morning. He accepted the statement as guidance on procedure and

said the department would do their very best. He added that, in his opinion, staff performance had improved markedly over the last year, even during significant staff reductions.

Commissioner Hibdon stated he did not read anything that was handed out at the meetings.

Mr. Freund advised the Commissioners that the approved Comprehensive Plan Amendment (CPA) for Keshmiri had been approved at the Regional Planning Commission.

The Village at the Peak CPA was under discussion with Regional regarding why it should be found in conformance.

DIRECTOR'S ITEMS

Mr. Freund announced the One-Map Two-Map conversion drop-in open house would be held at the Senior Center on March 23, 2010. Additionally, the proposed Master Plan and zoning maps for all 13 planning areas would soon be up on the department's website, along with supporting documentation. He announced the team was on schedule and on time with the project. They hoped to bring it before the Planning Commission in May and the BCC in July. No properties will be rezoned.

Acting Chair Cobb echoed that the staff had done an excellent job.

Commissioner Edwards noted there had been no follow-up to the joint meeting with the BCC. He asked if the open house required special noticing in case a number of the Planning Commissioners attended. Mr. Freund replied we would notice a possible quorum.

Mr. Freund noted one item from the joint meeting had been the piggybacking of applications during the Warm Springs Area Plan revision and that was not occurring – applications were being reviewed on their own merit. He stated he would look back and see if there were other to-do items on the list from that meeting.

DDA Edwards stated he would consider the necessity of the Notice of Quorum and would inform Mr. Freund of his decision.

ADJOURNMENT

Since there was no further business to come before the Planning Commission, the meeting adjourned at 8:51 p.m.

Respectfully submitted,

Dawn Spinola, Recording Secretary

Approved by Commission in session on April 6, 2010.

Adrian P. Freund, FAICP
Secretary to the Planning Commission